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In re Application of: PARSONS, Nicholas, Tyers, et al.

U.S. Application No.: 10/518,774

PCT No.: PCT/EP03/06022

Int'l Filing Date: 10 June 2003

Priority Date: 21 June 2002

Attorney's Docket No.: 112701-442

For: METHOD AND DEVICE FOR

LIQUEFYING OF A POWDERY FAT

BASED PRODUCT PARTICULARLY

IN THE PRODUCTION OF

CHOCOLATE AND THE LIKE

DECISION REGARDING  
DECLARATION

This decision is issued in response to applicants' submission on 04 April 2005 of declaration materials executed by the applicants herein, considered herein under 37 CFR 1.497. No petition fee is required.

**BACKGROUND**

On 10 June 2003, applicants filed international application PCT/EP03/06022 that claimed a priority date of 21 June 2002 and which designated the United States. On 31 December 2003, a copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) by the International Bureau (IB). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 21 December 2004.

On 17 December 2004, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, the basic national fee.

On 04 April 2005, applicants filed a second submission that included the declaration materials considered herein and the surcharge for filing the declaration later than thirty months after the priority date.

**DISCUSSION**

The present application has seven applicants of record. The declaration materials filed by applicants on 04 April 2005 include the following:

- (1) Two four-page declarations, each of which identifies six of the seven applicants. These declarations are executed by inventors Nicholas Tyers PARSONS, Stephen Thomas BECKETT, Stuart BLACKBURN, and Stefan REUSS;

- (2) One five-page declaration that identifies all seven of the applicants. This declaration is executed by Maxine JOLLY, Kate ARMSTRONG, and Fernando GOMES;
- (3) Four additional copies of pages one and two of the declaration. These fragments do not include signature pages or identify any of the applicants and are not executed by any of the applicants.

37 CFR 1.497(a)(3) requires that the declaration "identify each inventor and the residence and country of citizenship of each inventor." Section 201.03 of the Manual of Patent Examining Procedure (MPEP) states, in part:

While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity ... For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor ...

Here, the only declaration filed by applicants on 04 April 2005 that identifies each inventor is the five page declaration executed by Maxine JOLLY, Kate ARMSTRONG, and Fernando GOMES. This declaration is acceptable. However, the four page declarations executed by Nicholas Tyers PARSONS, Stephen Thomas BECKETT, Stuart BLACKBURN, and Stefan REUSS are defective in that they do not identify the seventh inventor, Fernando GOMES.

### CONCLUSION

The declarations filed 04 April 2005 and executed by applicants Nicholas Tyers PARSONS, Stephen Thomas BECKETT, Stuart BLACKBURN, and Stefan REUSS are **REJECTED** for failure to satisfy the requirements of 37 CFR 1.497.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the issuance of a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an acceptable oath or declaration from the remaining applicants identified above.



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